

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

PFIZER INC	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 06-89-GMS
	)	
TEVA PHARMACEUTICALS USA and	)	
TEVA PHARMACEUTICAL	)	
INDUSTRIES LTD.	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFF PFIZER INC'S CONTINGENT MOTION TO ENJOIN THE TEVA  
DEFENDANTS FROM PROCEEDING WITH THEIR LATER-FILED SUIT IN  
THE SOUTHERN DISTRICT OF NEW YORK**

Plaintiff Pfizer Inc ("Pfizer") hereby moves to enjoin defendants, Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. (respectively "Teva USA" and "Teva Ltd."; collectively "Teva") from proceeding in their second-filed action in the Southern District of New York, *Teva Pharmaceuticals USA, Inc. et al. v. Pfizer Inc*, 06cv1134 (LAP). This motion is contingent upon the Court's denial of Teva's motion to transfer the instant case to the Southern District of New York, (D.I. 8), so that Teva will be prevented from proceeding in both the New York and Delaware cases. The grounds of this motion are fully set forth in Defendant's concurrently-filed supporting brief and further supported by the contemporaneously-filed declarations of Brendan G. Woodard, Esq. and Daniel C. Mulveny, Esq.

Pursuant to Local Rule 7.1.1, the undersigned counsel conferred with defendants' counsel regarding this Motion. Defendants' counsel has indicated that defendants will oppose this Motion.

CONNOLLY BOVE LODGE & HUTZ LLP

/s/ Rudolf E. Hutz  
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*Attorneys for Pfizer Inc*

Dated: March 9, 2006

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FOR THE DISTRICT OF DELAWARE**

PFIZER INC	)	
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Plaintiff,	)	
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v.	)	Civil Action No. 06-89-GMS
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TEVA PHARMACEUTICALS USA and	)	
TEVA PHARMACEUTICAL	)	
INDUSTRIES LTD.	)	
	)	
Defendants.	)	
_____	)	

**ORDER GRANTING PLAINTIFF PFIZER INC'S CONTINGENT MOTION TO  
ENJOIN THE TEVA DEFENDANTS FROM PROCEEDING WITH THEIR  
LATER-FILED SUIT IN THE SOUTHERN DISTRICT OF NEW YORK**

AND NOW on this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon  
consideration of Plaintiffs' contingent motion to enjoin the Teva defendants from  
proceeding with their later-filed suit in the Southern District of New York, the supporting  
brief and declarations, and any and all responses thereto, it is hereby

ORDERED that Plaintiffs' motion is GRANTED.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on March 9, 2006, I electronically filed **PLAINTIFF PFIZER INC'S CONTINGENT MOTION TO ENJOIN THE TEVA DEFENDANTS FROM PROCEEDING WITH THEIR LATER-FILED SUIT IN THE SOUTHERN DISTRICT OF NEW YORK** with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

Mary B. Matterer  
Morris James Hitchens & Williams LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
P.O. Box 2306  
Wilmington, DE 19899-2306

I hereby certify that on March 9, 2006, I have mailed by First Class Mail, the document(s) to the following non-registered participants:

Steven Lee  
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